

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

IN AND FOR THE COUNTY OF MARICOPA

IN THE MATTER OF THE ADMINISTRATION )  
OF THE MUNICIPAL COURT OF THE ) ADMINISTRATIVE  
ORDER  
CITY OF TEMPE, ARIZONA ) NO. 94-012  
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**BACKGROUND AND PRELUDE TO ORDER**

On February 3, 1994, former Presiding City Court Judge Stephen Mirretti resigned. As a result of information alleging possible wrongdoing involving operation of the Tempe Municipal Court, on that date, the Attorney General and the Department of Public Safety took physical control of the Tempe Municipal Court.

On February 4, 1994, by Administrative Order 94-8, the Arizona Supreme Court ordered the Presiding Judge of Maricopa County to take constructive possession of all books and records of the Tempe Municipal Court and to allow Stephen Mirretti on the premises only with the approval of the Presiding Judge.

Since February 3, 1994, the Attorney General and the Department of Public Safety have been conducting an investigation which, at least in part, pertains to the activities of Stephen Mirretti while he was Presiding City Court Judge.

Since February 4, 1994, the Administrative Office of the Courts has been conducting a review of the accounting and administrative procedures of the Tempe Municipal Court with a goal of implementing, with approval of the Presiding Judge, such changes as may be necessary to maintain the proper independent operation and integrity of the Tempe Municipal Court.

On February 4, 1994, the Presiding Judge gave direction to all City Court employees that they were to have no contact, direct or indirect, with Stephen Mirretti. A like direction was given to Terry Zerkle, City Manager, relative to city employees.

On February 7, 1994, the "no contract" directive was modified to allow Stephen Mirretti to be able to complete documents necessary for his "out-processing" with the City of Tempe.

The operation of the Tempe Municipal Court has essentially returned to its normal routine except as the AOC review and a new Presiding Judge have caused necessary changes and except as individuals have been interviewed pertaining to the investigation by the Attorney General.

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It appears that the investigation of the Attorney General's Office and the Department of Public Safety continues with reasonable intensity.

Given all of the foregoing, which must continue to be taken into consideration in daily functioning of the Court and by court employees and the City and by city employees, it is reasonable to rescind the directive about no contact, direct or indirect, with Stephen Mirretti, the foregoing precatory words having been stated.

Accordingly, it is

**ORDERED** rescinding the directive of the Presiding Judge on February 4, 1994, that employees of the Tempe Municipal Court and that employees of the City of Tempe have no contact, direct or indirect, with former Presiding City Court Judge Stephen Mirretti.

**ORDERED**, in accordance with Arizona Supreme Court Administrative Order 94-8, that Stephen Mirretti shall not be allowed on Court premises without the authorization of Judge Rose.

DONE ON FEBRUARY 14, 1994

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C. Kimball Rose, Presiding Judge  
Maricopa County

Original filed with the Clerk of the Court

CC: Justice Stanley G. Feldman

David K. Byers, AOC  
Agnes Felton, AOC  
Mayor Harry Mitchell, City of Tempe  
Terry Zerkle, City Manager  
David Merkel, City Attorney  
Michael Cudahy, Office of Attorney General  
Glynn Gilcrease